

QUESTION 1

Did the testifying Plaintiffs establish by a preponderance of the evidence that the facts and claims of all 55 Plaintiffs are so similarly situated to each other that they should have all of their claims resolved together on a representative basis?

In answering this question, the facts and claims upon which the Plaintiffs must prove that the testifying and non-testifying Plaintiffs are similarly situated so as to have all of their claims resolved together include: (1) attending mandatory safety meetings on days in which Plaintiffs recorded 12.0 hours on their timesheet for a two-man job, and/or (2) working 24 hours on days in which Plaintiffs recorded 16.0 hours on their timesheet for a one-man job.

(a) Answer "Yes" or "No" with respect to representative basis for two-man jobs:

Answer: yes

(b) Answer "Yes" or "No" with respect to representative basis for one-man jobs:

Answer: yes

Answer both Questions 1(a) and 1(b) before proceeding.

If you answered "Yes" to Question 1(a), then proceed to Question 2.

If you answered "No" to Question 1(a) and "Yes" to Question 1(b), then proceed to Question 5.

If you answered "No" to both Question 1(a) and Question 1(b), then please proceed directly to the last page of this document and sign and date the verdict form.

QUESTION 2

If you answered “Yes” to Question 1(a), then answer Question 2. Otherwise do not answer Question 2.

Did Plaintiffs establish by a preponderance of the evidence that Plaintiffs attended mandatory half-hour safety meetings on days that Plaintiffs recorded 12.0 hours on their timesheet?

Answer “Yes” or “No.”

Answer: NO

If you answered “Yes” to Question 2, then proceed to Question 3.

If you answered “No” to Question 2, then proceed to Question 5.

QUESTION 3

If you answered “Yes” to Question 2, please answer Question 3. Otherwise do not answer Question 3.

Did Plaintiffs establish by a preponderance of the evidence that NOV had actual or constructive knowledge that Plaintiffs attended mandatory safety meetings for which they were not paid on days that Plaintiffs recorded 12.0 hours on their timesheets?

Answer “Yes” or “No.”

Answer: _____

If you answered “Yes” to Question 3, then proceed to Question 4.

If you answered “No” to Question 3, then proceed to Question 5.

QUESTION 4

If you answered “Yes” to Question 3, please answer Question 4. Otherwise do not answer Question 4.

Did Plaintiffs establish that NOV failed to pay Plaintiffs for all hours worked including attendance at mandatory safety meetings on days that Plaintiffs recorded 12.0 hours on their timesheets?

Answer “Yes” or “No.”

Answer: _____

Once you have answered Question 4, proceed to Question 5.

QUESTION 5

If you answered “Yes” to Question 1(b), then answer the following question. Otherwise, proceed to Question 8.

Did Plaintiffs prove by a preponderance of the evidence that Plaintiffs worked 24 hours on days that Plaintiffs recorded 16.0 hours on their timesheet for a one-man job?

Answer “Yes” or “No.”

Answer: No

If you answered “Yes” to Question 5, then proceed to Question 6.

If you answered “No” to Question 5, then proceed to Question 8.

QUESTION 6

If you answered “Yes” to Question 5, please answer Question 6. Otherwise do not answer Question 6.

Did Plaintiffs prove by a preponderance of the evidence that Defendant had actual or constructive knowledge that Plaintiffs were working 24 hours on days that Plaintiffs recorded 16.0 hours on their time sheet?

Answer: _____

If you answered “Yes” to Question 6, then proceed to Question 7.

If you answered “No” to Question 6, then proceed to Question 8.

QUESTION 7

If you answered "Yes" to Question 6, please answer Question 7. Otherwise do not answer Question 7.

Did Plaintiffs prove by a preponderance of the evidence that Defendant failed to pay Plaintiffs for all hours worked on days in which Plaintiffs recorded 16.0 hours on their timesheet for a one-man job?

Answer "Yes" or "No."

Answer: _____

Once you have answered Question 7, then proceed to Question 8.

QUESTION 8

If you answered “Yes” to all three Questions 2, 3, and 4, then answer the following question.

And/or

If you answered “Yes” to all three Questions 5, 6, and 7, then answer the following question.

Otherwise, please proceed directly to the last page of this document and sign and date the verdict form.

Did Plaintiffs prove by a preponderance of the evidence that NOV either knew or showed reckless disregard for whether NOV’s conduct violated the FLSA?

Answer “Yes” or “No.”

Answer: _____

Once you have answered “Yes” or “No” to Question 8, then proceed to Question 9.

QUESTION 9

If you answered “Yes” to all three Questions 2, 3, and 4, then answer the following question.

And/or

If you answered “Yes” to all three Questions 5, 6, and 7, then answer the following question.

Please state the amount, if any, owed to the Plaintiffs for compensation for hours worked off the clock.

If you answered “Yes” to Question 8, you should award damages, if any, for the period from March 19, 2009 to present. If you answered “No” to Question 8, you should award damages, if any, for the period from March 19, 2010 to present.

Jorge Acosta:	_____
Jack Akin:	_____
Henry Bolton:	_____
Michael Favata:	_____
David Kelley:	_____
Michael Mallett:	_____
Michael Schwab:	_____

These amounts, if any, will be extrapolated to the non-testifying plaintiffs.

The foreperson should sign the form of the verdict on the last page.

VERDICT

We, the jury, return the foregoing as our unanimous verdict.

4.21.14
Date

[REDACTED]
Foreperson